

REMARKS

Applicants have studied the Office Action dated November 5, 2003 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-25 are currently pending in the present application. Claim 25 has been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested. In the Office Action, the Examiner:

- ( 7-8) rejected claims 1-3, 5, 7-16, and 21-24 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467), and in further view of Haas et al (U.S. 5,719,938);
- ( 9) rejected claims 4 and 6 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and in further view of Haas et al (U.S. 5,719,938) as applied to claim 1 above, and further in view of CableVision (periodical);
- (10) rejected claims 17 - 19 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and in further view of Haas et al (U.S. 5,719,938) as applied to claim 7 above, and further in view of Horstmann (U.S. 6,009,401); and
- (11) rejected claim 20 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and in further view of Haas et al (U.S. 5,719,938) and further in view of Horstmann (U.S. 6,009,401) as applied to claim 19 above, and further in view of CableVision (periodical).

Overview of the Current Invention

The present invention provides a system, computer readable medium and a method for providing a secure environment for the distribution of digital content. The content rather than the channel is encrypted for security reasons. The second channel in the present invention includes broadcast, telecommunications and computer readable medium e.g. DVDs and CDs. Other systems do not provide promotion data, content data, and metadata in a single digital channel, but rather require an additional bidirectional channel for one or more of these functions. Unlike prior art systems, the

present invention uses the broadcast infrastructure to provide promotional data and can encrypted content data from many different sources including broadcast, point-to-point telecommunications over IP (e.g., DSL and Dial-up) and computer readable medium e.g., DVDs and CDs. The present invention maintains compatibility with different types of content delivery mechanism e.g. broadcast, telecommunications and computer readable medium. In order to maintain compatibility, the present invention provides a higher level of security for encrypted content by decrypting the encrypted content data and then reencrypting the content data with a locally generated encrypting key. This permits higher levels of security and choices to content providers when deciding which key algorithms to use regardless of the content delivery infrastructure. Further, keeping the received content data encrypted with a locally generated key ensures that the content stays encrypted even after being authorized by a clearing house for deencryption. This use of persistence encryption for locally stored content is important in eliminating the redistribution of decrypted content from the end user's system.

In order to more particularly point out this feature of providing promotional metadata over a broadcast infrastructure and providing encrypted content data over a separate non-encrypted channel (e.g., telecommunications network (POTS, DSL), a broadcast transmission, and a computer removable storage medium (DVD, CD) ) and reencrypting the content data with a locally generated digital content player encrypting key so to be compatible with a content player application on the user's system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium, the following language has been added to the independent claims, i.e., claims 1, 7, 19, 21 and 25 as follows:

- Claims 1, 21, and newly added independent claim 25

decrypting, on the user's system in a tamper resistant environment, the encrypted first decrypting key with a second decrypting key;

wherein the tamper resistant environment forms reencrypted content data by decrypting the encrypted content data with the first decrypting key and reencrypting the content data with a locally generated digital content player encrypting key so to be compatible with a content player application on the user's system which renders reencrypted content data

delivered from one of a telecommunications infrastructure and a computer readable storage medium.

- Claim 7

decrypting, on the user's system in a tamper resistant environment, the encrypted first decrypting key with a second decrypting key;

wherein the tamper resistant environment forms reencrypted content data by decrypting the encrypted content data with the first decrypting key and reencrypting the content data with a locally generated digital content player encrypting key so to be compatible with a content player application on the user's system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium.

- Claim 19

decrypting, on the user's system in a tamper resistant environment, the encrypted data decrypting key with the first private key;

wherein the tamper resistant environment forms reencrypted content data by decrypting the encrypted content data with the data decrypting key and reencrypting the content data with a locally generated digital content player encrypting key so to be compatible with a content player application on the user's system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium.

(7-8) Rejection Under 35 U.S.C. §103(a) applying Dillon in view of Dillon in view of Haas

As noted above, the Examiner rejected claims 1-3, 5, 7-16, and 21-24 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467), and in further view of Haas et al (U.S. 5,719,938). Independent claims 1, 7, 19, and 21 have been amended to distinguish over Dillon '911 taken alone and/or in view of Dillon '467 and/or Haas. As the Examiner correctly states on page 3 of the Office Action "*Dillon '911 does not specifically disclose a double-encrypting technique where a first encryption key is encrypted using a second encryption*

key.” and goes on to combine Haas for a double-encryption technique.<sup>1</sup> Careful <sup>read on</sup> ready of the Haas reference teaches that the stored information (i.e. encrypted content) is available with just the decrypted first key. Haas is silent on “reencrypting the content data with a locally generated digital content player encrypting key.” This level of security is nowhere mentioned or discussed in Dillon ‘911 and/or in view of Dillon ‘467 and/or in further view of Haas. Accordingly, independent claims 1, 7, 19, 21 and 25 distinguish over Dillon ‘911 and/or in view of Dillon ‘467 and/or in further view of Haas for at least this reason.

Continuing further, Dillon ‘911 in view of Dillon ‘467 and in further view of Haas are silent on “reencrypting the content data with a locally generated digital content player encrypting key so to be compatible with a content player application on the user’s system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium”

This type of compatibility to other types of delivery channels is nowhere suggested or taught by Dillon ‘911 and/or in view of Dillon ‘467 and/or in further view of Haas. Accordingly, independent claims 1, 7, 19, 21 and 25 distinguish over Dillon ‘911 in view of Dillon ‘467 and in further view of Haas for at least this reason as well.

For the foregoing reasons, independent claims 1, 7, 19, and 21 as amended distinguish over Dillon ‘911 in view of Dillon ‘467. Claims 2-3, 5, 8-16, and 22-24 depend from claims 1, 7, and 21 respectively. Since dependent claims contain all the limitations of the independent claims, claims 2-3, 5, 8-16, and 22-24 distinguish over Dillon ‘911 taken alone and/or in view of Dillon ‘467 and/or Haas, as well, and the Examiner’s rejection should be withdrawn.

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<sup>1</sup> Applicants make no statement whether such combination is even proper.

(9) Rejection Under 35 U.S.C. §103(a) applying Dillon, Dillon, Haas in view of CableVision

As noted above, the Examiner rejected claims 4 and 6 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and in further view of Haas et al (U.S. 5,719,938) as applied to claim 1 above, and further in view of CableVision (periodical). Independent claim 1 has been amended to distinguish over Dillon '911 taken alone and/or in view of Dillon '467 and/or in view of Haas as described above. The Examiner goes on to combine CableVision(periodical).<sup>2</sup> As described above in the section entitled "Rejection Under 35 U.S.C. §103(a) applying Dillon in view of Dillon in view of Haas," Dillon (U.S. 6,337,911) and/or in view of Dillon (U.S. 6,351,467) and/or in further view of Haas (U.S. 5,719,938) and now in further view of the CableVision reference nowhere suggests or teaches:

"reencrypting the content data with a locally generated digital content player encrypting key"

and

"so to be compatible with a content player application on the user's system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium".

Accordingly, independent claim 1 of the present invention distinguishes over Dillon '911 and/or in view of Dillon '467, and/or in view of Haas and/or further in view of CableVision (periodical) for at least this reason. Claims 4 and 6 depend from claim 1. Since dependent claims contain all the limitations of the independent claims, claims 4 and 6 distinguish over Dillon '911 taken alone and/or in view of Dillon '467 and/or in view of Haas, and/or further in view of CableVision(periodical) as well, and the Examiner's rejection should be withdrawn.

(10) Rejection Under 35 U.S.C. §103(a) applying Dillon, Dillon, Haas in view of Horstmann

As noted above, the Examiner rejected claims 17-19 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and in further view of Haas (U.S. 5,719,938) as applied to claim 7 above, and further in view of Horstmann (U.S. 6,009,401).

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<sup>2</sup> Applicants make no statement whether such combination is even proper.

Independent claims 7 and 19 have been amended to distinguish over Dillon (U.S. 6,337,911) and/or in view of Dillon (U.S. 6,351,467) and/or in further view of Haas (U.S. 5,719,938) as described above. The Examiner goes on to combine Horstmann.<sup>3</sup> As described above in the section entitled "Rejection Under 35 U.S.C. §103(a) applying Dillon in view of Dillon in view of Haas," Dillon (U.S. 6,337,911) and/or in view of Dillon (U.S. 6,351,467) and/or in further view of Haas (U.S. 5,719,938) and/or now in further view of Horstmann (U.S. 6,009,401) nowhere suggests or teaches:

"reencrypting the content data with a locally generated digital content player encrypting key"

and

so to be compatible with a content player application on the user's system which renders reencrypted content data delivered from one of a telecommunications infrastructure and a computer readable storage medium"

Accordingly, independent claims 7 and 19 of the present invention distinguishes over Dillon '911 in view of Dillon '467, and Haas and further in view of Horstmann for at least this reason. Claims 17-18 depend from claim 7. Since dependent claims contain all the limitations of the independent claims, claims 17-18 distinguish over Dillon '911 taken alone and/or in view of Dillon '467 and/or in view of Haas, and further in view of Horstmann as well, and the Examiner's rejection should be withdrawn.

(11) Rejection Under 35 U.S.C. §103(a) applying  
Dillon, Dillon, Haas, Horstmann and CableVision

As noted above, the Examiner rejected claim 20 under 35 U.S.C. § 103 as being unpatentable over Dillon (U.S. 6,337,911) in view of Dillon (U.S. 6,351,467) and/or in further view of Haas et al (U.S. 5,719,938) and further in view of Horstmann (U.S. 6,009,401) as applied to claim 19 above, and further in view of CableVision (periodical).<sup>4</sup> As described above in the section entitled "Rejection

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<sup>3</sup> Applicants make no statement whether such combination is even proper.

<sup>4</sup> Applicants make no statement whether such combination is even proper.

Under 35 U.S.C. §103(a) applying Dillon in view of Dillon in view of Haas,” Dillon  
6,337,911) in view of Dillon (U.S. 6,351,467) and/or in further view of Haas (U.S. 5,719,938) and/or  
in further view of Horstmann (U.S. 6,009,401) and/or now in further view of The CableVision  
reference nowhere suggests or teaches:

“reencrypting the content data with a locally generated digital content player encrypting key”  
and

so to be compatible with a content player application on the user’s system which renders  
reencrypted content data delivered from one of a telecommunications infrastructure and a  
computer readable storage medium”

Accordingly, independent claim 19 of the present invention distinguishes over Dillon ‘911 and/or in  
view of Dillon ‘467, and/or further view of Haas and/or further in view of Horstmann and/or further  
view of CableVision for at least this reason. Claim 20 depends from claim 19. Since dependent  
claims contain all the limitations of the independent claims, claims 20 distinguish over Dillon ‘911  
taken alone and/or in view of Dillon ‘467 and/or in view of Haas, and/or further in view of  
Horstmann and/or in further view of CableVision as well, and the Examiner’s rejection should be  
withdrawn.

#### CONCLUSION

The remaining cited references have been reviewed and are not believed to effect the patentability  
of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants  
believe these amendments serve a useful clarification purpose, and are desirable for clarification  
purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim  
amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information

known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if this would expedite the prosecution of this application.

Respectfully submitted.

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